

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

FEB 23 2011

JAMES R. LARSEN, CLERK  
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Gary M. Smith  
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1310 N. 5th Ave., Suite B  
Pasco, WA 99301  
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**UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF WASHINGTON  
RICHLAND DIVISION**

DARVIN E. GRIGG,

Plaintiff

Case No. **CV-11-5038-LRS**

**COMPLAINT**

vs.

**DEMAND FOR JURY TRIAL**

DANIEL N. GORDON, P.C., and  
MATHEW R. AYLWORTH, and  
ATLANTIC CREDIT & FINANCE  
INC.,

Defendants

**INTRODUCTION**

1. This is an action for actual and statutory damages brought by Plaintiff, an individual consumer, against defendants Atlantic Credit & Finance Inc. (hereinafter "Atlantic"), Mathew R. Aylworth (hereinafter "Aylworth"), and Daniel N. Gordon, P.C. (hereinafter "Gordon P.C.") for violations of the Fair

COMPLAINT- 1

Northwest Justice Project  
1310 N. 5th Ave., Suite B  
Pasco, Washington 99301  
Phone: (509) 547-2760 Fax: (509) 547-1612

1 Debt Collection Practices Act, 15 U.S.C. §1692 et seq. (hereinafter  
2 “FDCPA”); the Washington Collection Agency Act, RCW 19.16 et seq.; and  
3 the Washington Consumer Protection Act, RCW 19.86 et seq.

#### 4 JURISDICTION AND VENUE

5 2. Jurisdiction over this action arises under 15 U.S.C. § 1692k(d) and 28  
6 U.S.C. § 1331.

7 3. This Court has jurisdiction over the state law claims under 28 U.S.C.  
8 § 1367.

9 4. Venue is proper, because most of the relevant events occurred within Benton  
10 and Franklin Counties of Washington State, both of which are located within  
11 this District.

#### 12 PARTIES

13 5. Plaintiff is a natural person, residing in Benton County, Washington State.

14 6. Defendant Gordon P.C., a professional corporation registered in the State of  
15 Oregon, is operated by attorney Daniel Nathan Gordon.

16 7. Mr. Gordon holds his law firm out to be a debt collector primarily engaged  
17 in the collection of consumer debts. See documents retrieved from Gordon  
18 P.C.’s website, attached as Exhibit 1.

19 8. On information and belief, the firm’s area of practice is “100% debt  
20 collection.” See attorney Gordon’s entry in the on-line referral service  
21

1 Avvo.com, and information made public by the Washington State Bar  
2 Association concerning Mr. Gordon, all attached as Exhibit 2.

3 9. On March 25, 2010, Mr. Gordon was reprimanded by the Washington  
4 Supreme Court as reciprocal discipline after the Oregon Supreme Court  
5 sanctioned him for "failure to review records before preparing, signing, and  
6 filing an affidavit with the court, which resulted in a judgment based on false  
7 information." See Exhibit 2.

8 10. Defendant Alyworth is an attorney employed by defendant Gordon P.C.  
9 primarily to collect debts owed or claimed to be owed to Gordon P.C.'s  
10 clients, which include defendant Atlantic Credit & Finance, Inc.

11 11. On information and belief, defendant Aylworth's area of practice is "100%  
12 debt collection." See defendant Aylworth's entry in the on-line referral  
13 service Avvo.com, and information concerning defendant Aylworth as made  
14 public by the Washington State Bar Association, all attached as Exhibit 3.

15 12. On March 25, 2010, defendant Aylworth was reprimanded by the  
16 Washington Supreme Court as reciprocal discipline after the Oregon  
17 Supreme Court sanctioned him for "failure to review a proposed judgment of  
18 dismissal and to serve it on the defendant before filing." See Exhibit 3.

1 13. Defendants Aylworth and Gordon P.C. are directly engaged in soliciting  
2 claims owed to other persons, such as defendant Atlantic Credit & Finance,  
3 Inc., for purposes of collection by defendants Aylworth and Gordon P.C.

4 14. Defendants Gordon P.C. and Aylworth regularly appear in the courts of  
5 Washington as counsel for various creditor clients, including defendant  
6 Atlantic Credit & Finance, Inc.

7 15. Defendants Aylworth and Gordon P.C. regularly use instrumentalities of  
8 interstate commerce, including the telephones, the Internet, and the mails, in  
9 their business, the principal purpose of which is the collection of debts.

10 16. Defendants Gordon P.C. and Aylworth are directly engaged in, and do,  
11 regularly collect or attempt to collect debts owed or due, or asserted to be  
12 owed or due, to others.

13 17. A January 31, 2011 search of the online records of the Washington state  
14 department responsible for licensing collection agencies under state law  
15 established that neither defendant Aylworth nor defendant Gordon P.C. is or  
16 was at a relevant time licensed by the State of Washington to engage in  
17 collection activities within this state under Revised Code of Washington  
18 Chapter 19.16.

19 18. Defendant Atlantic Credit and Finance, Inc., ("Atlantic") is a corporation  
20 headquartered in Roanoke, Virginia. According to public information  
21



1 provided on its corporate website, Atlantic is directly engaged in the  
2 business of soliciting the purchase of defaulted consumer debt from original  
3 creditors for collection in its own name. See Exhibit 4, attached.

4 19. A January 31, 2011 search of the online records of the Washington state  
5 department responsible for licensing collection agencies under state law  
6 established that defendant Atlantic is not and was not at any relevant time  
7 licensed by the State of Washington to engage in collection activities within  
8 this state under Revised Code of Washington Chapter 19.16.

9 20. Defendant Atlantic has used the instrumentalities of interstate commerce,  
10 including the mails, in a business the primary purpose of which is the  
11 collection of debts which were in default at the time those debts were  
12 assigned or sold to defendant Atlantic.

13 21. At all relevant times, defendants have claimed plaintiff to be obligated to  
14 pay defendant Atlantic a debt arising from a credit card agreement plaintiff  
15 entered for personal, family and household purposes with Household Bank,  
16 as purchased by defendant Atlantic from Household Bank after plaintiff's  
17 default.

18 22. Plaintiff therefore is a "consumer", as defined by the Fair Debt Collection  
19 Practices Act, 15 U.S.C. §1692a(3).  
20  
21

1 23. Further, defendants are therefore “debt collectors” subject to and governed  
2 by the prohibitions and requirements of the Fair Debt Collection Practices  
3 Act, 15 U.S.C. 1692 et seq.

4 24. Moreover, defendants Gordon P.C., Aylworth, and Atlantic are “debt  
5 collection agencies” as subject to and governed by RCW Chapter 19.16.

6 FACTS

7 25. On or about November 17, 2006, defendant Atlantic filed a complaint and  
8 certain related documents in the Superior Court of Washington for Benton  
9 County alleging that plaintiff Darvin E. Grigg was indebted to it for  
10 \$5,223.80 under a defaulted credit card debt Atlantic had purchased from  
11 Household Bank.

12 26. That action was assigned Case No. 06-2-02846-2.

13 27. Mr. Grigg has been completely and totally disabled since 2004. At all times  
14 since then, his only source of income has consisted of Social Security  
15 Disability benefits exempt from garnishment or other attachment under state  
16 and federal law.

17 28. In a written response to Atlantic’s 2006 complaint, plaintiff Darvin E. Grigg  
18 informed defendant Atlantic through its counsel as follows:

19 “Regarding the legal papers represented by the enclosed face page  
20 copy, I wish to inform you simply that I have no income that can be  
21 garnished. The only income that I receive is Social Security. Knowing

1 this, if you seek any other means of recovering the quoted funds, you  
2 may find yourselves to be the defendants.”

3 29. On November 30, 2006, the Benton County Superior Court entered a  
4 stipulated judgment against plaintiff awarding defendant Atlantic the  
5 original amount of the debt plus fees and costs attendant to the suit, for a  
6 total judgment of \$5708.80, with post-judgment interest to accrue at 12% per  
7 year.

8 30. By the terms of that judgment, plaintiff undertook voluntarily to pay  
9 Atlantic \$50.00 each month toward the stipulated judgment, commencing  
10 November 2006.

11 31. Plaintiff made that payment regularly thereafter through all of 2007 and  
12 2008, and most of 2009.

13 32. Although defendant Atlantic knew or should have known at all times that  
14 plaintiff's only income was exempt from garnishment or attachment,  
15 Atlantic's counsel nonetheless unlawfully and wrongly attempted to garnish  
16 Mr. Grigg's exempt SSDI funds in December 2009.

17 33. In the application for the 2009 writ, Atlantic's counsel certified that plaintiff  
18 had paid \$1,750.00 toward the judgment. See certified copy of application  
19 attached as Exhibit 5.  
20  
21

1 34. The December 2009 garnishment failed because Mr. Griggs had previously  
2 changed to Hapo Community Credit Union the account to which his monthly  
3 Social Security Disability benefits are electronically deposited.

4 35. Thereafter, defendant Atlantic retained defendants Gordon P.C. and  
5 Aylworth to pursue garnishment proceedings against plaintiff in the Benton  
6 County Superior Court, although Atlantic, Aylworth, and Gordon P.C. knew  
7 or should have known at all times that plaintiff's sole income was the  
8 exempt SSDI benefits electronically transferred to his credit union account  
9 each month.

10 36. In an application for Writ of Garnishment filed in the Benton County  
11 Superior Court on August 10, 2010, defendants falsely represented under  
12 penalty of perjury that plaintiff had "made no payment whatsoever" on the  
13 judgment entered against him by stipulation on November 30, 2006. See  
14 certified copy of Application for Writ of Garnishment, attached as Exhibit 6.

15 37. In the application for Writ of Garnishment filed in the Benton County  
16 Superior Court on August 10, 2010, defendants falsely represented under  
17 penalty of perjury that they knew facts establishing that the named  
18 garnishee, Hapo Community Credit Union, had possession or control of  
19 funds belonging to plaintiff "which are not exempted from garnishment by  
20 any state or federal law."  
21

1 38. In truth, defendants knew or should have known at all times that plaintiff's  
2 sole income consisted of the exempt SSDI benefits which constituted the  
3 sole source of all deposits and funds within the plaintiff's account at Hapo  
4 Community Credit Union.

5 39. But for these false and fraudulent representations, made under penalty of  
6 perjury, the Benton County Superior Court could not have, and would not  
7 have, issued a writ of garnishment against the exempt funds in plaintiff's  
8 bank account.

9 40. However, in reasonable reliance upon defendants' false and fraudulent  
10 representations under penalty of perjury, the Benton County Superior Court  
11 on August 10, 2010 issued a Writ of Garnishment, drafted by defendants to  
12 include false representations of the amount due and owing under the  
13 November 30, 2006 stipulated judgment, and directed toward plaintiff's  
14 exempt funds on deposit with Hapo Community Credit Union.

15 41. Defendants made no attempt to notify plaintiff of its filings or the issuance  
16 of the writ of garnishment for more than six weeks.

17 42. Plaintiff in fact never received service of defendants' filings or notice from  
18 defendants of the application or the writ.

1 43. Plaintiff only learned of the garnishment on October 1, 2010 when he  
2 checked his online Hapo account records and found out defendants'  
3 garnishment had frozen the funds in his account as of September 30, 2010.

4 44. At all relevant times, the only funds ever deposited or held in that account,  
5 which included a \$1,218.00 retroactive SSDI benefit check electronically  
6 deposited in plaintiff's account by the United States government just the day  
7 before, constituted SSDI benefits exempt under federal and state law.

8 45. Defendants' illegal and unjustified attachment of plaintiff's exempt SSDI  
9 benefits and funds left plaintiff with a single dollar bill as his only financial  
10 resource during the month of October 2010.

11 46. As a result of defendants' unfair, deceptive, and unconscionable conduct,  
12 plaintiff was rendered destitute, being forced to rely entirely on local  
13 charities for the most basic survival needs.

14 47. During most of October 2010, defendant's unfair, deceptive, and  
15 unconscionable acts caused plaintiff to suffer severe physical hardship  
16 including hunger; worsened his depression and bouts of more acute mental  
17 illness; and caused him anxiety, worry, humiliation, and loss of enjoyment  
18 of life.

19 48. For example, for lack of funds for even the most basic necessities, plaintiff  
20 was required to bathe with dish detergent and old socks.

1 49. Plaintiff had no money to purchase fuel for his car, pay for repairs to keep it  
2 running, or take advantage of public transportation. Yet he needed to travel  
3 constantly around the Tri-Cities to whatever charitable sources of food and  
4 housing assistance he could find. Plaintiff was therefore required to walked  
5 long distances daily in painful and worn-out shoes, carrying his belongings  
6 in a heavy backpack.

7 50. During this period, plaintiff suffered the personal degradation of doing  
8 without such hygienic basics as toilet paper or the incontinence pads he has  
9 needed since a surgery several years ago.

10 51. For several days, during this period, plaintiff had to endure severe tooth pain  
11 because he lacked the means to buy pain medication.

12 52. Moreover, plaintiff was denied even the simple pleasure of buying a daily  
13 newspaper, replacing his reading glasses, or buying the \$7.00 replacement  
14 antenna he needed to use his television.

15 53. Plaintiff sought legal help as soon as he learned of the illegal garnishment,  
16 but his search was hampered by lack of funds for an attorney and because  
17 originally he did not even know who had filed the garnishment.

18 54. Plaintiff eventually found help at the Northwest Justice Project. On October  
19 12, 2010, a Notice of Exemption supported by plaintiff's declaration under  
20 penalty of perjury as to the exempt nature of all funds in the garnished  
21

1 account was filed with the Benton County Superior Court and served on  
2 defendants by both facsimile transmission and first class mail.

3 55. The service letter accompanying that notice, as received by defendants on  
4 the morning of October 12, 2010, demanded that defendants immediately  
5 release the attached funds. See Exhibit 7, attached.

6 56. Defendants failed to release the funds or to respond in any way to the notice  
7 of exemption and demand.

8 57. The next day, on October 13, 2010, an affirmative Motion to Quash  
9 Garnishment was filed in the Benton County Superior Court on plaintiff's  
10 behalf, and likewise served on defendants. A copy thereof is attached as  
11 Exhibit 8.

12 58. Again, defendants failed to immediately release the attached funds or  
13 otherwise respond.

14 59. In addition, despite defendants' actual knowledge of the exempt nature of  
15 the funds in the garnished credit union account, and of the pending Notice of  
16 Exemption and Motion to Quash Garnishment, and without notice of  
17 intended presentment to plaintiff or his counsel as required by both law and  
18 the Washington Rules of Professional Conduct, on October 20, 2010  
19 defendants presented *ex parte* to the Benton County Superior Court a  
20  
21



1 Judgment on Answer and Order to Pay for issuance against plaintiff and  
2 Hapo Community Credit Union.

3 60. That Judgment falsely and fraudulently represented that Hapo had  
4 “withheld non exempt (*sic*) funds due to defendant in the nonexempt amount  
5 of \$1226.60” and wrongly and illegally ordered Hapo to pay plaintiff’s SSDI  
6 funds to defendants Aylworth and Gordon P.C. toward a garnishment  
7 judgment that included “\$50.20 for recoverable costs.”

8 61. In reasonable reliance on defendants’ false and fraudulent representations,  
9 their unfair, deceptive, and unconscionable failure or refusal to notify  
10 plaintiff or his counsel of intended presentment of this false and illegal  
11 order, and defendants’ unfair, deceptive, and unconscionable failure to  
12 candidly advise the *ex parte* judge of the pending Notice of Exemption and  
13 Motion to Quash, the Benton County Superior Court signed and entered that  
14 Judgment as presented to it. See certified copy of October 20, 2010  
15 Judgment on Answer of Garnishment Defendant, attached as Exhibit 9.

16 62. Fortunately, Hapo released plaintiff’s SSDI funds to him on or about  
17 October 24, 2010.

18 63. However, even thereafter, defendants did not vacate, withdraw, or otherwise  
19 judicially remedy its illegal, wrongful, unfair and unconscionable actions in  
20 connection with obtaining the October 20, 2010 *ex parte* judgment.

1 64. It was not until plaintiff's counsel by happenstance learned for the first time  
2 of the October 20<sup>th</sup> judgment entry, and served a proposed motion to vacate  
3 that judgment as fraudulently and illegally obtained, that the judgment order  
4 was finally stricken on December 17, 2010.

5 FAIR DEBT COLLECTION PRACTICES ACT  
6 COUNT ONE

7 65. In connection with the August 10, 2010 Application for Writ of  
8 Garnishment, each defendant violated Section 1692e and/or Section 1692f of  
9 the FDCPA, causing plaintiff to suffer injuries.

10 FAIR DEBT COLLECTION PRACTICES ACT  
11 COUNT TWO

12 66. In connection with defendants' *ex parte* procurement of the October 20,  
13 2010 judgment, each defendant violated Section 1692e and/or Section 1692f  
14 of the FDCPA, causing plaintiff to suffer injuries.

15 WASHINGTON STATE COLLECTION AGENCY ACT  
16 COUNT THREE

17 67. Defendants regularly conduct collection activities in this state against  
18 residents of this state which are subject to the licensing requirements of  
19 Washington Revised Code Chapter 19.16, including the judicial collection  
20 activities at issue herein. Compare, *Lang v. Daniel N. Gordon P.C.*, Case  
21 No. C10-819RSL (W.D. Washington Jan. 6, 2011); *McLain v. Daniel N.*  
*Gordon P.C.*, Case No. C09-5362BHS (W.D. Washington August 24, 2010).

1 68. Nonetheless, defendants have failed or refused to register for and obtain  
2 such licensure, in violation of RCW § 19.16.100 and RCW §19.16.260.

3 69. Further, the acts complained of herein constitute violation of the  
4 prohibitions contained in RCW § 19.16.250 (1), (8)(i), and (15).

5 70. Pursuant to RCW § 19.16.450, defendants and any other person who may  
6 seek to collect any amount from plaintiff concerning the Household Bank  
7 account assigned to Atlantic are now barred from recovering or claiming any  
8 interest, service charge, attorneys' fees, collection costs, delinquency charge,  
9 or any other fees or charges beyond the original \$5223.80 amount as reduced  
10 by the full amount of plaintiff's past payments.

11 71. Pursuant to RCW §19.16.900, plaintiff's remedies against defendants for  
12 these violations are not penal, but cumulative and nonexclusive so that they  
13 may not be applied to reduce or prevent any recoveries that may be available  
14 to plaintiff under other laws.

15 WASHINGTON STATE CONSUMER PROTECTION ACT  
16 COUNT FOUR

17 72. Any violation of the Washington Collection Agency Act by law constitutes  
18 an unfair and deceptive act in trade or business entitling a consumer to  
19 recovery under the Washington State Consumer Protection Act, RCW  
20 Chapter 19.86. See RCW 19.16.440 and *Sprinkle v. SB&C Ltd.*, 472  
21 F.Supp.2d 1235 (W.D.Wash.2006).

1 73. Further, the acts complained of herein are in themselves injurious to the  
2 public interest in that they have the capacity to injure others, and because,  
3 as Congress stated in 15 U.S.C. §1692, the use of unfair, unconscionable, or  
4 deceptive acts and practices to collect consumer debts has an injurious  
5 impact on the public, contributing as they do to the number of personal  
6 bankruptcies, and to martial instability, loss of employment, and invasions of  
7 privacy, from which states should protect their consumer citizens.

8 74. Further, Congress noted, such practices are injurious to the interests of debt  
9 collectors who use lawful means to conduct their business, since those  
10 practices may disadvantage businesses which play by the rules.

11 75. Consequently, acts or practices which violate the FDCPA, when committed  
12 by person or entities conducting the trade or commerce of collecting  
13 consumer debts in the State of Washington, are per se unfair or deceptive  
14 acts or practices injurious to the public interest and prohibited by RCW  
15 19.86.020.

16 76. Defendants are engaged in the trade or commerce of collecting consumer  
17 debts, and/or the solicitation and purchasing for value of assets consisting of  
18 intangible property which defendants then seek to enforce against residents  
19 of this state like plaintiff.  
20  
21

1 77. Defendants' acts as complained of herein were unfair and deceptive acts or  
2 practices violating RCW Chapter 19.86, which injured plaintiff in his  
3 business or property.

4 DEMAND FOR RELIEF

5 WHEREAS, plaintiff demands judgment against defendants:

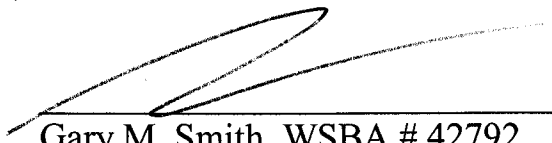
6 (a) under Count One, for compensatory and statutory damages, plus costs  
7 and a reasonable attorney fee;

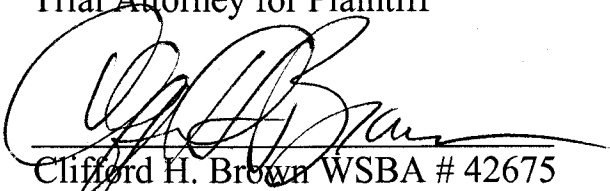
8 (b) under Count Two, for compensatory and statutory damages, plus costs  
9 and a reasonable attorney fee;

10 (c) under Count Three, for a declaratory judgment and permanent injunction  
11 barring defendants or anyone who may hereafter assert any claim against  
12 plaintiff as to the Household Bank debt assigned to defendant Atlantic, from  
13 recovering or claiming any interest, service charge, attorneys' fees,  
14 collection costs, delinquency charge, or any other fees or charges beyond the  
15 original \$5223.80 amount of that debt as reduced by the full amount of  
16 plaintiff's payments;

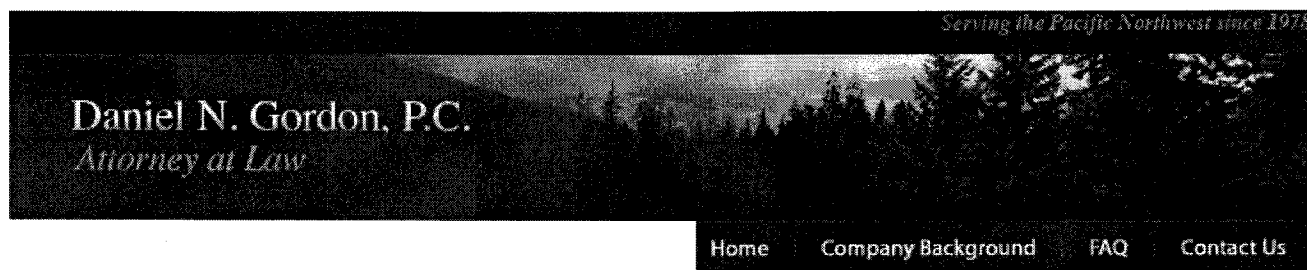
17 d) under Count Four, for three times plaintiff's compensatory damages, plus  
18 costs and a reasonable attorney fee;

1 e) under Count Four, for an injunction prohibiting defendants from  
2 conducting any debt collection activities within the State of Washington  
3 save they first obtain licensure under RCW Chapter 19.16 and thereafter  
4 comply with the Chapter's substantive requirements and prohibitions.  
5 Counsel certifies that a copy of this complaint has been served upon the  
6 Attorney General of the State of Washington as required by RCW  
7 §19.86.095;  
8 f) for such other relief to which plaintiff may be entitled in law or equity.  
9

10  
11   
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19 Trial Attorney for Plaintiff  
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(509) 392-7137  
law.cliffordhbrown@gmail.com  
Co-Counsel for Plaintiff

COMPLAINT EXHIBIT 1



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Eugene, Oregon 97402

Toll-Free: 1-866-854-2708

Direct: 541-342-2276

Email: [info@dgordonpc.com](mailto:info@dgordonpc.com)

Payment Mailing Address:  
P.O. Box 22338  
Eugene, OR 97402

Welcome to the Daniel N. Gordon, P.C. online payment processing center. Making payments online is an easy and secure way for you to manage your account. To utilize this service, you will need your 10-digit account number and the last four digits of your Social Security number.

[Click here to make a payment »](#)

**? How do I know my account number?**

Your account number is 10-digits long and is listed on any correspondence that you have received from Daniel N. Gordon, P.C.

**? Questions about your account?**

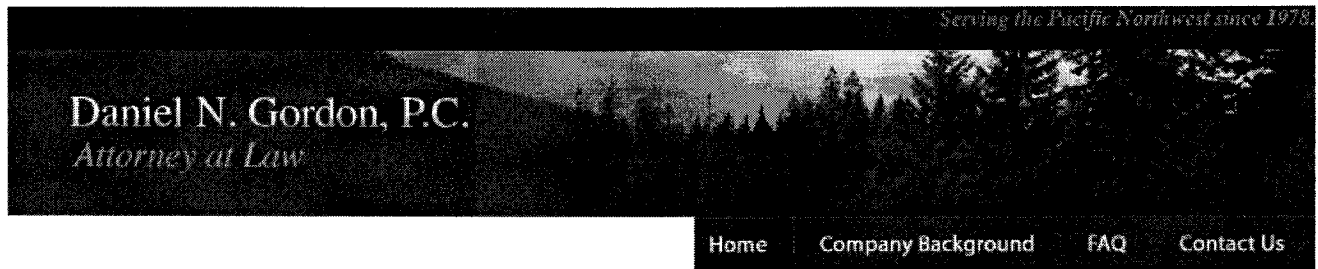
Our helpful account representatives are available to assist you with any questions you have about your account or the payment process. You can reach us **toll free 1-800-311-8566**.

*This law firm is a debt collector engaged in the collection of consumer debts.*

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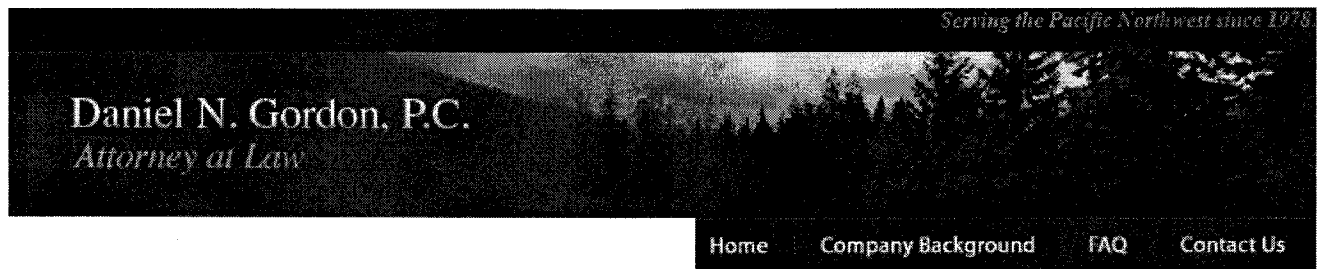
## Company Background

Our national call center is committed to assisting consumers in resolving commercial, medical and retail debt. With attorneys practicing throughout the greater Northwest, Daniel N. Gordon, P.C. is a growing firm dedicated to increasing recovery for clients while aiding consumers to resolve their debts in a timely fashion.

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## Frequently Asked Questions

### ? How do I contact Daniel N. Gordon, P.C.?

Our mailing address is:

Daniel N. Gordon, P.C.  
P.O. Box 22338  
Eugene, OR 97402  
Our toll free number is 800-311-8566.  
Our fax number is 541-343-8059.

### ? How do I find my account number?

Your account number is 10 digits long and is listed on any letter you receive from Daniel N. Gordon, P.C. If you need assistance, you can call our toll free number and one of our representatives can help you.

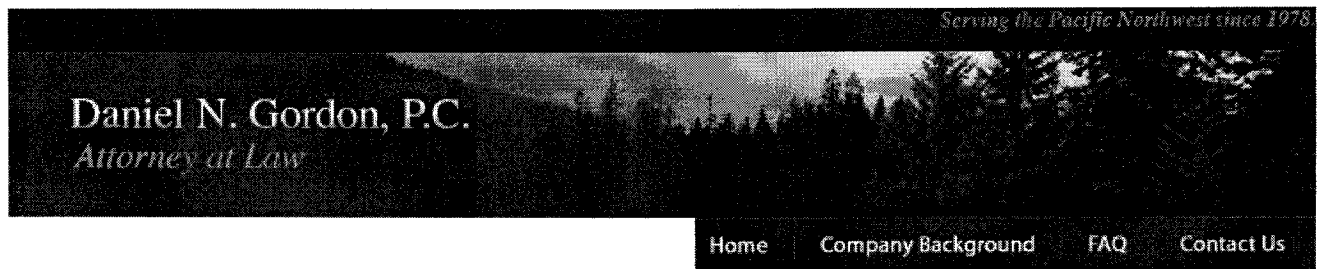
### ? Is the online payment center the only way that I can make a payment?

No. You can call our toll free number and make a payment by phone or mail your payments to the address listed above.

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## Contact Us

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**Payment Mailing Address:**

P.O. Box 22338  
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COMPLAINT EXHIBIT 2

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## Overview

### Practice Areas

100% Debt Collection

### Contact Information

Po Box 22338  
Eugene, OR 97402  
Office: 541-342-2276  
[View map](#)

[E-mail this lawyer](#)

## References

### Client Reviews

How would you rate this lawyer?  
If you're a current or former client, share your thoughts (anonymously, if you prefer). Would you recommend this lawyer to other clients?

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### Endorsements

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In addition to providing a simple way to express your gratitude to fellow lawyers, any time you add an endorsement to a peer's profile, a link to your profile will appear on it.

[Endorse this lawyer](#)

## Résumé

### License

9 years since Daniel Nathan Gordon was first licensed to practice law in WA

State	License status	Year acquired	Last updated by Avvo
Washington	Active	2002	10/21/2010

This lawyer has been cited for professional misconduct by a state disciplinary authority.

State	Citation type	Year cited	Last updated by Avvo
Washington	<a href="#">Reprimand</a>	2010	10/21/2010

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## WSBA Lawyer Profile

Member Name:	Daniel Nathan Gordon	WSBA Bar#:	32186
Firm or Employer:		Admit Date:	5/20/2002
Address:	PO Box 22338 Eugene, OR 97402-0417 United States	Status:	Active
		Phone:	(541) 342-2276
		Fax:	(541) 343-8059
		TDD:	
		Email:	dgordonpc@aol.com
		Private Practice:	Yes
		Has Insurance?	Yes- <a href="#">Click for more info</a>
		Last Date Reported:	10/19/2010
		Website:	

## [Discipline/Admonition Notice +]

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## Area(s) of Practice

Collections

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**Discipline Notice - Daniel Nathan Gordon**

WSBA Bar#:	32186	Member Name:	Daniel Nathan Gordon
Action:	Reprimand	Effective Date:	03/25/2010
RPC:			
Discipline Notice:	<p>Daniel Nathan Gordon (WSBA No. 32186, admitted 2002), of Eugene, Oregon, was ordered to receive a reprimand, entered on March 25, 2010, by order of the Washington State Supreme Court imposing reciprocal discipline in accordance with an order of the Supreme Court of the State of Oregon. This discipline is based on failure to review records before preparing, signing, and filing an affidavit with the court, which resulted in a judgment based on false information. For more information, see the Oregon State Bar Bulletin (May 2009) available at <a href="http://www.osbar.org">www.osbar.org</a>.</p> <p>Mr. Gordon's actions violated Oregon's RPC 8.4(a)(4), prohibiting conduct prejudicial to the administration of justice.</p> <p>Joanne S. Abelson represented the Bar Association. Mr. Gordon represented himself.</p>		

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#### Overview

##### Practice Areas

100% Debt Collection

##### Contact Information

4023 W 1st Ave  
Po Box 22338  
Eugene, OR 97402  
Office: 541-342-2276  
[View map](#)

[E-mail this lawyer](#)

[See additional addresses](#)

#### References

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#### Résumé

##### License

4 years since Matthew R Aylworth was first licensed to practice law in OR.  
4 years since Matthew R Aylworth was first licensed to practice law in WA.

State	License status	Year acquired	Last updated by Avvo
Oregon	Active	2007	11/05/2009
Washington	Active	2006	11/04/2010

This lawyer has been cited for professional misconduct by a state disciplinary authority.

State	Citation type	Year cited	Last updated by Avvo
Oregon	<a href="#">Reprimand</a>	2008	11/05/2009
Washington	<a href="#">Reprimand</a>	2010	11/04/2010

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## WSBA Lawyer Profile

Member Name:	Matthew R Aylworth	WSBA Bar#:	37892
Firm or Employer:	Daniel N Gordon PC	Admit Date:	11/2/2006
Address:	4023 W 1st Ave PO Box 22338 Eugene, OR 97402-0417 United States	Status:	Active
		Phone:	(541) 342-2276
		Fax:	(541) 343-8059
		TDD:	
		Email:	maylworth@dgordonpc.com
		Private Practice:	Yes
		Has Insurance?	Yes- <a href="#">Click for more info</a>
		Last Date Reported:	10/18/2010
		Website:	

## [Discipline/Admonition Notice +]

Only active members of the Washington State Bar Association, and others as authorized by law, may practice law in Washington.

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## Area(s) of Practice

Collections

## Other Languages

Korean

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**Discipline Notice - Matthew R Aylworth**

WSBA Bar#:	37892	Member Name:	Matthew R Aylworth
Action:	Reprimand	Effective Date:	03/25/2010
RPC:			
Discipline Notice:	<p>Matthew R. Aylworth (WSBA No. 37892, admitted 2006), of Eugene, Oregon, was ordered to receive a reprimand, entered on March 25, 2010, by order of the Washington State Supreme Court Imposing reciprocal discipline in accordance with an order of the Supreme Court of the State of Oregon. This discipline is based on failure to review a proposed judgment of dismissal and to serve it on the defendant before filing. For more information, see the Oregon State Bar Bulletin (May 2008) available at <a href="http://www.osbar.org">www.osbar.org</a>.</p> <p>Mr. Aylworth's actions violated Oregon's RPC 3.5(b), prohibiting ex parte communications with the court; and Oregon's RPC 8.4(a)(4), prohibiting conduct prejudicial to the administration of justice.</p> <p>Joanne S. Abelson represented the Bar Association. Mr. Aylworth represented himself.</p>		

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COMPLAINT EXHIBIT 4



discover **OUR PROVEN EXPERIENCE**



 **Atlantic**<sup>TM</sup>  
CREDIT & FINANCE INCORPORATED  
**WHEN PERFORMANCE MATTERS**<sup>TM</sup>

# discover our proven experience

Atlantic  
Credit &  
Finance has  
followed a  
very simple  
formula of  
listening  
to the  
customer.

According to *Inc.* magazine, brothers Richard and Kelly Woolwine have built Atlantic Credit & Finance, Inc. into one of America's fastest-growing private companies. Headquartered in Roanoke, Virginia, Atlantic Credit & Finance is a leading purchaser, seller and manager of unsecured, consumer-distressed assets—managing in excess of \$8.0 billion.

The company's rapid growth—since its inception in 1996—stems primarily from the commitment of each Atlantic employee, starting with Richard and Kelly, to its many external audiences, including debt sellers, debt buyers and individual consumers.

Atlantic Credit & Finance focuses not only on helping debt sellers realize the benefits of selling their asset portfolios, but also working with debt buyers interested in purchasing profitable portfolios and with consumers on customizing ways to repay their debt and gain the opportunity to move on with their lives.

A privately held business with offices in Roanoke and Richmond, Virginia, and Phoenix, Arizona, Atlantic Credit & Finance has completed more than 400 transactions and manages nearly one million consumer accounts. The company follows a very simple formula for success: listening to the consumer.

For debt sellers, that means quickly evaluating the value of each asset portfolio (many times within 24 hours) and then having the experience and reliable sources of funding to ensure the deal is closed. Atlantic Credit & Finance has purchased all types of unsecured, consumer-distressed assets, and has used its due diligence expertise to help ensure credit issuers receive fair value for their defaulted debt.

For debt buyers looking to purchase a profitable portfolio, that means providing post-sale support and contract stipulations which surpass industry standards. It means making sure accounts have been scrubbed for bankruptcy, deceased and/or fraud, and that portfolios have a clean chain of title and have a limited number of resales, all from reputable sellers.

For individual consumers, Atlantic Credit & Finance is committed to treating each person with integrity and honesty as they work to understand the consumer's problem and find a workable solution. This approach also preserves the relationship between the consumer and the credit originator as well.

Deciding whether to sell or purchase a consumer-distressed portfolio may be difficult. However, selecting which company to purchase and manage that portfolio isn't. When performance matters, turn to Atlantic Credit & Finance.





## COMPANY PROFILE

### History as a Buyer of Consumer Debt

**SINCE 1996, ATLANTIC CREDIT & FINANCE HAS BUILT A STRONG REPUTATION AS A LEADER IN WORKING CLOSELY WITH BANKS AND CREDIT ISSUERS TO EVALUATE, PURCHASE AND SERVICE A VARIETY OF UNSECURED, CONSUMER-DISTRESSED ASSETS, INCLUDING:**

- Credit card receivables
- Retail credit card receivables
- Telecommunications receivables
- Automotive deficiencies
- Utilities receivables

The company evaluates all portfolio delinquency levels, including fresh charge-off, primary, secondary and tertiary accounts.

Atlantic Credit & Finance's overall strategy focuses on employing its years of experience and expertise to swiftly assess asset valuations and engage reliable sources of funding, thereby helping credit originators meet their needs of cost effectively moving consumer-distressed assets off their balance sheet.

#### Our Approach to Working with Consumers

Unlike collection agencies, Atlantic Credit & Finance owns the asset portfolios and is therefore willing to work with individual consumers to develop solutions and clear up their debt. The company regularly reviews a series of payment options and, in certain circumstances, outlines alternative sources of financing to resolve the outstanding debt.

#### A Track Record of Success

Atlantic Credit & Finance has established itself as one of America's leading purchasers of consumer-distressed assets. In fact, the company has earned top honors for three consecutive years in the prestigious Inc. 500 as one of America's fastest-growing, privately held companies.

About  
Atlantic Credit & Finance

**YEAR ESTABLISHED:**  
1996

**NUMBER OF  
PORTFOLIO TRANSACTIONS:**  
more than 400

**FACE VALUE OF  
CONSUMER-DISTRESSED ASSETS:**  
more than \$8.0 billion

**NUMBER OF CONSUMER  
ACCOUNTS SERVICED IN-HOUSE:**  
more than 1 million

**OFFICE LOCATIONS:**  
Roanoke, VA (corporate headquarters)  
Richmond, VA  
Phoenix, AZ

#### CONTACT INFORMATION

Todd Kaus  
Vice President, Acquisitions and Sales

(800) 888-9419

WWW.ATLANTICCREDITFINANCE.COM



## discover your hidden assets

For instance, Atlantic Credit & Finance's unique portfolio valuation and due diligence skills and scoring techniques allow it to not only quickly evaluate each asset portfolio (many times within 24 hours), but also help uncover its hidden value. Our approach to portfolio valuation ensures that debt sellers receive the true intrinsic value for their portfolio.

## discover reliable funding

Debt sellers also can be assured that Atlantic Credit & Finance has access to reliable sources of funding, thereby having the capability to quickly complete asset portfolio purchases.

In short, Atlantic Credit & Finance offers significant benefits to its customers and, in effect, fosters long-term relationships with the industry's leading sellers of consumer-distressed asset portfolios.



In short, Atlantic Credit & Finance offers significant benefits to its customers and, in effect, fosters long-term relationships with the industry's leading sellers of consumer-distressed asset portfolios.



discover

profitable portfolios to purchase



Atlantic Credit & Finance also has a track record of success in selling consumer-distressed portfolios to debt buyers looking to purchase profitable portfolios. Since forming in 1996, Atlantic Credit & Finance has completed the sale of more than 400 portfolios with a face value of nearly \$2.5 billion.

**OUR STRENGTHS:**

- Portfolios that are ready for sale (i.e., accounts have been scrubbed for bankruptcy, deceased and/or fraud)
- Portfolios have a clean chain of title and, in most cases, are direct from the issuer (or have a limited number of resales, all from reputable sellers)
- Post-sale support and contract stipulations which surpass industry standards

**YOUR RESULT:** a premium consumer purchase file with unparalleled back-end support.



discover  
an unparalleled commitment  
to customer service



"Atlantic Credit & Finance is in business to help individual customers find ways to overcome their financial distress."

One of Atlantic Credit & Finance's core strengths is its philosophical approach to working with customers on tailoring programs for repaying their debt and thereby helping ensure they have the opportunity to get back on solid financial ground.

For individual customers, Atlantic Credit & Finance is committed to treating each person with integrity and honesty as they work to understand the consumer's problem and find a workable solution.

The company's intensive customer service representative and supervisor training programs meet and exceed all Fair Debt Collection Practices Act (FDCPA) compliance regulations. This approach also helps preserve the relationship between the customer and the credit originator as well.

Unlike collection agencies, Atlantic Credit & Finance owns the asset portfolios and is therefore willing to work with individual customers to develop solutions and clear up their debt. The company regularly reviews a series of payment options and, in certain circumstances, outlines alternative sources of financing to resolve the outstanding debt.

One of the company's primary goals is a simple one: help individual customers find ways to overcome their financial distress.

## discover **ATLANTIC CREDIT & FINANCE**

Atlantic Credit & Finance offers swift portfolio valuation  
and reliable funding in order to bring value to debt sellers  
and purchasers, while doing everything possible to help  
individual consumers get back on solid financial ground.

[www.atlanticcreditfinance.com](http://www.atlanticcreditfinance.com)



For Additional Information,  
Contact Us:  
Atlantic Credit & Finance, Inc.  
2727 Franklin Road SW  
Roanoke, VA 24014  
(540) 772-7800  
(540) 772-7895 FAX  
[info@atlanticcreditfinance.com](mailto:info@atlanticcreditfinance.com)



# discover accelerated cash flow



Atlantic Credit & Finance's overall strategy focuses on employing its years of experience and expertise to swiftly assess asset valuations and engage reliable sources of funding.

Atlantic Credit & Finance, Inc. is a leading purchaser and manager of consumer-distressed asset portfolios—managing in excess of \$8.0 billion. Atlantic evaluates and purchases a diverse pool of asset types from consumer credit originators, including:

- Credit card receivables
- Retail credit card receivables
- Automotive deficiencies
- Telecommunications receivables
- Utilities receivables

The company evaluates all portfolio delinquency levels, including fresh charge-off, primary, secondary and tertiary accounts.

Atlantic Credit & Finance's overall strategy focuses on employing its years of experience and expertise to swiftly assess asset valuations and engage reliable sources of funding, thereby helping credit originators meet their needs of cost effectively moving consumer-distressed assets off their balance sheet. The company also considers strategic alignment opportunities that offer "win-win" scenarios with respect to the sale of asset portfolios on a state, regional or national basis.

Since forming in 1996, Atlantic Credit & Finance has completed more than 400 transactions and manages nearly one million consumer accounts with a total value of more than \$8.0 billion. Atlantic Credit & Finance applies more than 10 years of asset valuation and acquisition experience to ensure credit issuers receive fair value for their defaulted debt.

Moreover, this depth of experience also uniquely positions Atlantic Credit & Finance to evaluate and fund a portfolio of any size, in terms of number of accounts and total asset value.

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**Last Name:** Aylworth  
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## Search

### BUSINESS & PROFESSIONAL LICENSES

#### License Details

##### License Information:

**Entity Name:** ATLANTIC CREDIT & FINANCE, INC.

**Firm Name:** ATLANTIC CREDIT & FINANCE, INC.

**License Type:** Washington State Business

**Entity Type:** Profit Corporation

**UBI:** 602119124 Business ID:001 Location ID:

**Status:** To check the status of this company, go to [Secretary of State](#).

##### Location Address:

##### Mailing Address:

##### Governing People:

RICHARD WOOLWINE

KELLY WOOLWINE

CHRISTOPHER HANSON

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#### ATLANTIC CREDIT & FINANCE, INC.

UBI Number 602119124

Category REG

Profit/Nonprofit Profit

Active/Inactive Active

State Of Incorporation VA

WA Filing Date 03/26/2001

Expiration Date 03/31/2011

Inactive Date

#### Registered Agent Information

Agent Name LEXIS DOCUMENT SERVICES  
INC

Address 300 DESCHUTES WAY SW STE  
304

City TUMWATER

State WA

ZIP 98501

#### Special Address Information

Address

City

State

Zip

#### Governing Persons

Title	Name	Address
Secretary, Chairman, Director	WOOLWINE, RICHARD	2727 FRANKLIN RD SW ROANOKE, VA
President, Director	WOOLWINE, KELLY	2727 FRANKLIN RD SW ROANOKE, VA
Vice President, Treasurer	HANSON, CHRISTOPHER	2727 FRANKLIN RD SW ROANOKE, VA

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## Business Registry Business Name Search

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Business Entity Data

01-31-2011  
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Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
173174-13	DPC	INA	OREGON	11-29-1983		
<b>Entity Name</b>	DANIEL N. GORDON, P.C.					
<b>Foreign Name</b>						

[New Search](#)

Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS				
Addr 1	488 E 11TH STE 301					
Addr 2						
CSZ	EUGENE	OR	97401		Country	UNITED STATES OF AMERICA

Please click [here](#) for general information about registered agents and service of process.

<b>Type</b>	AGT	REGISTERED AGENT		<b>Start Date</b>		<b>Resign Date</b>	
<b>Name</b>	DANIEL	N	GORDON				
<b>Addr 1</b>	488 EAST 11TH AVENUE						
<b>Addr 2</b>	STE. 301						
<b>CSZ</b>	EUGENE	OR	97401	<b>Country</b>	UNITED STATES OF AMERICA		

Type	PRE	PRESIDENT								Resign Date	
Name	DANIEL			N	GORDON						
Addr 1	1710 CAMEO DRIVE										
Addr 2											
CSZ	EUGENE		OR	97405			Country	UNITED STATES OF AMERICA			

Type	SEC	SECRETARY							Resign Date	
Name	SABINE			V	GORDON					
Addr 1	1710 CAMEO DRIVE									
Addr 2										
CSZ	EUGENE		OR	97405			Country	UNITED STATES OF AMERICA		

[New Search](#)

Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date
----------------------	-----------	-------------	------------	----------



DANIEL N. GORDON, P.C.	EN	CUR	11-29-1983	
------------------------	----	-----	------------	--

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Summary History

<b>Image Date</b>	<b>Action</b>	<b>Transaction Date</b>	<b>Effective Date</b>	<b>Status</b>	<b>Name/Agent Change</b>	<b>Dissolved By</b>
03-27-1987	MERGER	03-27-1987		FI		
11-03-1986	AMENDED RENEWAL	10-29-1986		FI		
11-13-1985	AMENDED RENEWAL	11-05-1985		FI		
10-12-1984	STRAIGHT RENEWAL	10-03-1984		FI		
10-12-1984	NEW FILING	11-29-1983		FI		
10-12-1984	NEW FILING	11-29-1983		FI		

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## Business Registry Business Name Search

New Search

## Business Entity Data

01-31-2011  
10:33

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
093335-84	DPC	ACT	OREGON	10-26-1987	10-26-2011	
<b>Entity Name</b>	DANIEL N. GORDON, P.C.					
<b>Foreign Name</b>						

New Search

## Associated Names

<b>Type</b>	PPB	PRINCIPAL PLACE OF BUSINESS		
<b>Addr 1</b>	4023 W FIRST AVE			
<b>Addr 2</b>				
<b>CSZ</b>	EUGENE	OR	97402	<b>Country</b> UNITED STATES OF AMERICA

Please click [here](#) for general information about registered agents and service of process.

<b>Type</b>	AGT	REGISTERED AGENT	<b>Start Date</b>	10-26-1987	<b>Resign Date</b>	
<b>Name</b>	DANIEL	N	GORDON			
<b>Addr 1</b>	4023 W FIRST AVE					
<b>Addr 2</b>	PO BOX 22338					
<b>CSZ</b>	EUGENE	OR	97402	<b>Country</b>	UNITED STATES OF AMERICA	

<b>Type</b>	MAL	MAILING ADDRESS		
<b>Addr 1</b>	PO BOX 22338			
<b>Addr 2</b>				
<b>CSZ</b>	EUGENE	OR	97402	<b>Country</b> UNITED STATES OF AMERICA

<b>Type</b>	PRE	PRESIDENT		<b>Resign Date</b>	
<b>Name</b>	DANIEL	N	GORDON		
<b>Addr 1</b>	2159 SALLY WAY				
<b>Addr 2</b>					
<b>CSZ</b>	EUGENE	OR	97401	<b>Country</b>	UNITED STATES OF AMERICA

<b>Type</b>	SEC	SECRETARY		<b>Resign Date</b>	
<b>Name</b>	DANIEL	N	GORDON		
<b>Addr 1</b>	2159 SALLY WAY				
<b>Addr 2</b>					
<b>CSZ</b>	EUGENE	OR	97401	<b>Country</b>	UNITED STATES OF AMERICA

**New Search****Name History**

<b>Business Entity Name</b>	<b>Name Type</b>	<b>Name Status</b>	<b>Start Date</b>	<b>End Date</b>
DANIEL N. GORDON, P.C.	EN	CUR	10-26-1987	

Please read before ordering Copies.

**New Search****Summary History**

<b>Image Date</b>	<b>Action</b>	<b>Transaction Date</b>	<b>Effective Date</b>	<b>Status</b>	<b>Name/Agent Change</b>	<b>Dissolved By</b>
09-21-2010	ANNUAL REPORT PAYMENT	09-21-2010		SYS		
09-17-2009	ANNUAL REPORT PAYMENT	09-17-2009		SYS		
11-10-2008	CHANGE OF REGISTERED AGENT/ADDRESS	11-10-2008		FI		
11-10-2008	ANNUAL REPORT	11-10-2008		FI		
10-31-2008	NOTICE LATE ANNUAL	10-31-2008		SYS		
09-20-2007	ANNUAL REPORT PAYMENT	09-20-2007		SYS		
06-26-2007	AMENDMENT TO ANNUAL REPORT	06-26-2007		FI		
10-02-2006	ANNUAL REPORT PAYMENT	10-02-2006		SYS		
10-20-2005	ANNUAL REPORT PAYMENT	10-20-2005		SYS		
09-27-2004	ANNUAL REPORT PAYMENT	09-27-2004		SYS		
08-26-2004	AMENDMENT TO ANNUAL REPORT	08-26-2004		FI		
09-19-2003	ANNUAL REPORT PAYMENT	09-19-2003		SYS		
10-24-2002	ANNUAL REPORT PAYMENT	10-24-2002		SYS		
09-18-2002	CHANGE OF REGISTERED AGENT/ADDRESS	09-18-2002		FI		
09-18-2002	AMENDMENT TO ANNUAL REPORT	09-18-2002		FI		
08-05-2002	ARTICLES OF AMENDMENT	08-02-2002		FI		

11-05-2001	ANNUAL REPORT PAYMENT	11-05-2001		SYS		
10-02-2000	STRAIGHT RENEWAL	10-02-2000		FI		
10-20-1999	AMENDED RENEWAL	10-20-1999		FI		
09-30-1998	STRAIGHT RENEWAL	09-23-1998		FI		
09-25-1997	STRAIGHT RENEWAL	09-17-1997		FI		
10-18-1996	STRAIGHT RENEWAL	10-09-1996		FI		
10-05-1995	STRAIGHT RENEWAL	10-05-1995		FI		
09-20-1994	STRAIGHT RENEWAL	09-15-1994		FI		
10-16-1993	STRAIGHT RENEWAL	10-07-1993		FI		
09-18-1992	STRAIGHT RENEWAL	09-16-1992		FI		
09-18-1991	STRAIGHT RENEWAL	09-17-1991		FI		
09-26-1990	STRAIGHT RENEWAL	09-24-1990		FI		
09-27-1989	STRAIGHT RENEWAL	09-20-1989		FI		
10-05-1988	AMENDED RENEWAL	10-04-1988		FI		
10-26-1987	NEW FILING	10-26-1987		FI		

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COMPLAINT EXHIBIT 5

JOSIE DELVIN  
BENTON COUNTY CLERK

DEC 17 2009

FILED

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR BENTON COUNTY

Atlantic Credit &amp; Finance Inc.

Plaintiff,

vs.

No.: 06-2-02846-2

WRIT OF GARNISHMENT

DARVIN E GRIGG and JANE DOE GRIGG, husband  
and wife, and their marital community composed  
thereof,

[Clerk's Action Required]

Defendants,

GESA CREDIT UNION

Garnishee.

THE STATE OF WASHINGTON TO: GESA CREDIT UNION, Garnishee Defendant,  
AND TO: DARVIN E GRIGG, Defendant(s).The above-named Plaintiff has applied for a Writ of Garnishment against you,  
claiming that the above-named Defendant is indebted to Plaintiff and that the amount to be  
held to satisfy that indebtedness is \$5891.64, consisting of:

Balance on Judgment or Amount of Claim:	\$4,623.73
Unpaid Interest through November 19, 2009 :	\$930.88
Taxable Costs and Attorney's Fees:	\$0.00
Estimated Garnishment Costs	
Writ Fee	\$20.00
Service & Affidavit Fees	\$10.00
Answer Fee	\$20.00
Postage & Costs of Certified Mail	\$7.03
Garnishment Attorney Fee	\$250.00
Ex Parte Fee	\$30.00
Other	\$0.00
Total Estimated Garnishment Costs:	\$337.03

WRIT OF GARNISHMENT

BISHOP, WHITE & MARSHALL, P.S.  
720 OLIVE WAY, SUITE 1301  
SEATTLE, WASHINGTON, 98101

ORIGINAL

CERTIFIED COPY

1 YOU ARE HEREBY COMMANDED, unless otherwise directed by the Court, by the  
 2 attorney of record for the Plaintiff, or by this Writ, not to pay any debt, whether wages subject  
 3 to this Garnishment or any other debt, owed to the Defendant at the time this Writ was served  
 4 and not to deliver, sell, or transfer, or recognize any sale or transfer of, any personal property  
 5 or effects of the Defendant in your possession or control at the time when this Writ was  
 6 served. Any such payment, delivery, sale, or transfer is void to the extent necessary to satisfy  
 7 the Plaintiff's claim and costs for this Writ with interest.

8 YOU ARE FURTHER COMMANDED to answer this Writ by filling in the attached  
 9 form according to the instructions in this Writ and in the answer forms and, within twenty days  
 10 after the service of the Writ upon you, to mail or deliver the original of such answer to the  
 11 Court, one copy to the Plaintiff or the Plaintiff's attorney, and one copy to the Defendant, in  
 12 the envelopes provided.

13 If, at the time this Writ was served, you owed the Defendant any wages, salary,  
 14 commission, bonus, or other compensation for personal services or any periodic payments  
 15 pursuant to a non-governmental retirement program, the Defendant is entitled to receive  
 16 amounts that are exempt from garnishment under federal and state law. You must pay the  
 17 exempt amounts to the Defendant on the day you would customarily pay the compensation or  
 18 other periodic payment. As more fully explained in the Answer, the basic exempt amount is  
 19 the greater of seventy-five percent of disposable earnings or a minimum amount determined by  
 20 reference to the employee's pay period, to be calculated as provided in the answer.  
 21 However, if this Writ carries a statement in the heading that "This Garnishment is based on a  
 22 Judgment or Court Order for Child Support," the basic exempt amount is forty percent of  
 23 disposable earnings.

24 If you owe the Defendant a debt payable in money in excess of the amount set forth in  
 25 the first paragraph of this Writ, hold only the amount set forth in the first paragraph and  
 release all additional funds or property to Defendant.

**IF YOU FAIL TO ANSWER THIS WRIT AS COMMANDED A JUDGMENT  
 MAY BE ENTERED AGAINST YOU FOR THE FULL AMOUNT OF THE  
 PLAINTIFF'S CLAIM AGAINST THE DEFENDANT WITH ACCRUING INTEREST,  
 ATTORNEY FEES, AND COSTS WHETHER OR NOT YOU OWE ANYTHING TO  
 THE DEFENDANT. IF YOU PROPERLY ANSWER THIS WRIT, ANY JUDGMENT  
 AGAINST YOU WILL NOT EXCEED THE AMOUNT OF ANY NONEXEMPT DEBT  
 OR THE VALUE OF ANY NONEXEMPT PROPERTY OR EFFECTS IN YOUR  
 POSSESSION OR CONTROL.**

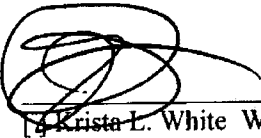
**JUDGMENT MAY ALSO BE ENTERED AGAINST THE DEFENDANT FOR  
 COSTS AND FEES INCURRED BY THE PLAINTIFF.**

WRIT OF GARNISHMENT

BISHOP, WHITE & MARSHALL, P.S.  
 720 OLIVE WAY, SUITE 1301  
 SEATTLE, WASHINGTON, 98101

CERTIFIED COPY

1 Witness, the Honorable **CARRIE L. RUNGE**, Judge of the above-entitled Court,  
2 and the seal thereof, this 1 day of ~~November~~ *December*, 2009.

3 

4 ☒ Krista L. White WSBA 8612  
5 ☐ Laurie K. Friedl WSBA 35598  
6 ☐ Daniel L. Hembree WSBA 37109  
7 ☒ Jeffrey S. Mackie WSBA 35829

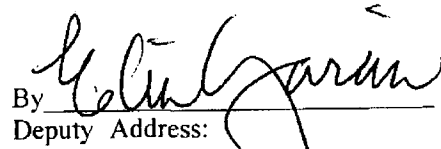
8 Attorneys for Plaintiff  
9 BISHOP, WHITE & MARSHALL, P.S.  
720 OLIVE WAY, SUITE 1301  
SEATTLE, WASHINGTON, 98101  
206-622-5306

12 A0806042  
GARNISHB

{SEAL}

**JOSIE DELVIN**

Clerk of the Court

10 By   
11 Deputy Address:  
BENTON County Courthouse  
7122 W. Okanogan Place Bldg A  
Kennewick, WA 99336

25 WRIT OF GARNISHMENT

BISHOP, WHITE & MARSHALL, P.S.  
720 OLIVE WAY, SUITE 1301  
SEATTLE, WASHINGTON, 98101

CERTIFIED COPY



COMPLAINT EXHIBIT 6

FILED

BENTON COUNTY CLERK

JOSIE DELVIN  
BENTON COUNTY CLERK  
KENNEWICK WA

06-2-02846-2

Time 03:07 AM  
Acct. Date 08/10/2010  
Docket-Code \$FFRF  
Receipt/Item # Tran-Code 1110  
2010-01-09186/01  
Cashier: EMO  
Paid By: daniel gordon, atty  
Transaction Amount: \$20.00

JOSIE DELVIN  
BENTON COUNTY CLERK

AUG 10 2010

FILED

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF BENTON

ATLANTIC CREDIT & FINANCE INC.,  
Assignee from Household Bank,  
Plaintiff,  
vs.  
DARVIN E GRIGG and JANE DOE GRIGG,  
husband and wife, and their marital  
community composed thereof,  
Defendants,  
vs.  
HAPO COMMUNITY CREDIT UNION,  
Garnishee.

Case No. 06-2-02846-2  
APPLICATION FOR WRIT OF  
GARNISHMENT  
(Clerk's Action Required)

THE UNDERSIGNED STATES:

Submitted herewith is the fee provided by RCW 36.18.020(10) or RCW  
6.27.060, payable to the Clerk of the above-entitled Court.

As attorney for the above named Atlantic Credit & Finance Inc., hereinafter  
referred to as Judgment Creditor, I am making this application for a Writ of  
Garnishment on the Judgment Creditor's behalf.

//

//

//

Application for Writ of Garnishment Page 1  
Case No.06-2-02846-2

Daniel N. Gordon, P.C.  
Attorneys at Law  
P.O. Box 22338  
Eugene, OR 97402  
(541) 342-2276

ORIGINAL CERTIFIED COPY

1 The facts are stated as follows:

2 1. Judgment Creditor has a judgment wholly or partially unsatisfied, against  
3 Darwin E Grigg, hereinafter referred to as Judgment Debtor, in the Court  
4 from which the Writ is being sought. The judgment was entered by the  
5 above entitled Court on November 30, 2006 Judgment Debtor has:

6 [ x ] made no payment whatsoever:

7 [ ] made partial payments as follows:

8  
9 2. The amount alleged to be due and still owing under the judgment,  
10 including interest and other statutory costs, is \$8,220.36; estimated cost  
11 of garnishment includes Certified Mail: \$10.20; Filing fee \$20.00; and  
12 answer fee: \$20.00 for a total garnishable amount of \$8,270.36.

13  
14 3. Judgment Creditor has reason to believe, and does believe, that the  
15 above entitled garnishee, Hapo Community Credit Union, whose  
16 business location is 631 Gage Blvd, Richland WA 99352 is

17 [ ] indebted to the Judgment Debtor in amounts exceeding those  
18 exempted from garnishment by any state or federal law; or

19 [ x ] the Garnishee has possession or control of personal property or  
20 control of personal property or effects belonging to the Judgment Debtor  
21 which are not exempted from garnishment by any state or federal law.  
22

23  
24 4. The above named Garnishee is believed

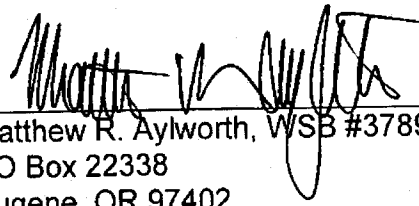
25 [ ] to be the employer of the Judgment Debtor;

26 [ X ] not to be the employer of the Judgment Debtor.  
27  
28

1 THE UNDERSIGNED CERTIFIES (or declares) under penalty of perjury under  
2 the laws of the State of Washington that the foregoing is true and correct.  
3

4 DATED this 30 day July, 2010.  
5

6 DANIEL N. GORDON, P.C.  
7

8   
9

10 Matthew R. Aylworth, WSB #37892  
11 PO Box 22338  
12 Eugene, OR 97402  
13 (541) 342-2276  
14 of Attorneys for Plaintiff  
15  
16  
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28

JOSIE DELVIN  
BENTON COUNTY CLERK

AUG 10 2010.

FILED

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF BENTON

ATLANTIC CREDIT & FINANCE INC.,  
Assignee from Household Bank,  
Plaintiff,

vs.

Case No. 06-2-02846-2

DARVIN E GRIGG and JANE DOE  
GRIGG, husband and wife, and their  
marital community composed thereof,  
Defendants,

WRIT OF GARNISHMENT

vs.

HAPO COMMUNITY CREDIT UNION,

Garnishee.

THE STATE OF WASHINGTON, TO: Hapo Community Credit Union, Garnishee; and  
to, Darvin E Grigg hereinafter referred to as Judgment Debtor.

Judgment Debtor: Darvin E Grigg  
531 S 38<sup>th</sup> P248  
West Richland WA 99353

Judgment Debtor's Employment: ///

Writ of Garnishment 1  
06-2-02846-2

DANIEL N. GORDON, P.C.  
Attorneys at Law  
PO Box 22338  
Eugene, OR 97402  
(541) 342-2276

CERTIFIED COPY ORIGINAL

Judgment Debtor's Account No:

The above-named Plaintiff has applied for a Writ of Garnishment against you, claiming that the above named Judgment Debtor is indebted to Plaintiff and that the amount to be held to satisfy that indebtedness is \$8,270.36, consisting of:

Balance on Judgment or Amount of Claim \$5,708.80

Post-judgment Interest from 11/30/06 to 07/30/10 \$2,511.36

Attorney Fees and Costs \$50.20

Estimated Garnishment Cost:

Other: Obtaining Lien \$

Service fees \$0.00

Certified Mail \$10.20

Answer fee \$20.00

Filing fee \$20.00

YOU ARE HEREBY COMMANDED, unless otherwise directed by the court, by the attorney of record for the plaintiff, or by this writ, not to pay any debt, other than earnings, owed to the defendant at the time this writ was served and not to deliver, sell, or transfer, or recognize any sale or transfer of, any personal property or effects of the defendant in your possession or control at the time when this writ was served. Any such payment, delivery, sale, or transfer is void to the extent necessary to satisfy the plaintiff's claim and costs for this writ with interest.

YOU ARE FURTHER COMMANDED to answer this writ by filling in the attached form according to the instructions in this writ and in the answer forms and, within twenty days after the service of the writ upon you, to mail or deliver the original of such answer to the court, one copy to the plaintiff or the plaintiff's attorney, and one copy to the defendant, in the envelopes provided.

If you owe the defendant a debt payable in money in excess of the amount set forth in the first paragraph of this writ, hold only the amount set forth in the first paragraph and any processing fee if one is charged and release all additional funds or property to defendant.

//

//

Writ of Garnishment 2  
06-2-02846-2

DANIEL N. GORDON, P.C.  
Attorneys at Law  
PO Box 22338  
Eugene, OR 97402  
(541) 342-2276

CERTIFIED COPY

1 IF YOU FAIL TO ANSWER THIS WRIT AS COMMANDED, A JUDGMENT MAY BE  
2 ENTERED AGAINST YOU FOR THE FULL AMOUNT OF THE PLAINTIFF'S CLAIM  
3 AGAINST THE DEFENDANT WITH ACCRUING INTEREST, ATTORNEY FEES, AND  
4 COSTS WHETHER OR NOT YOU OWE ANYTHING TO THE DEFENDANT. IF YOU  
5 PROPERLY ANSWER THIS WRIT, ANY JUDGMENT AGAINST YOU WILL NOT  
6 EXCEED THE AMOUNT OF ANY NONEXEMPT DEBT OR THE VALUE OF ANY  
7 NONEXEMPT PROPERTY OR EFFECTS IN YOUR POSSESSION OR CONTROL.

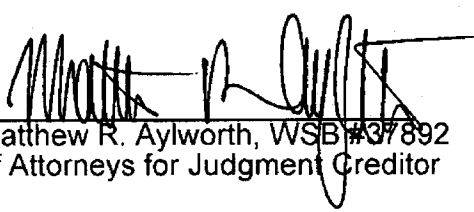
8 JUDGMENT MAY ALSO BE ENTERED AGAINST THE DEFENDANT FOR COSTS  
9 AND FEES INCURRED BY THE PLAINTIFF.

10 Witness, the Honorable **CAMERON MITCHELL**, Judge of the above entitled  
11 Court, and the seal thereof, this 10 day of August, 2010.

**JOSIE DELVIN**

Clerk of the Court

Address: 7122 W. Okanogan Pl.  
Bldg. A  
Kennewick WA 99336-2341

14   
15 Matthew R. Aylworth, WSB #37892  
16 of Attorneys for Judgment Creditor

Deputy

17 Address: Daniel N. Gordon, P.C.  
18 PO Box 22338  
19 Eugene, OR 97402

20  
21  
22  
23  
24  
25  
26  
27  
28 Writ of Garnishment 3  
06-2-02846-2

DANIEL N. GORDON, P.C.  
Attorneys at Law  
PO Box 22338  
Eugene, OR 97402  
(541) 342-2276

CERTIFIED COPY



2007-000391  
Pg: 2 of 4  
01/04/2007 04:05P  
35.00 Benton County

BISHOP, WHITE &amp; MARSH JUDGMENT

**JOSIE DELVIN**  
BENTON COUNTY CLERK

NOV 30 2006

**FILED**

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR BENTON COUNTY

Atlantic Credit & Finance Inc. Assignee from  
Household Bank

Plaintiff,

vs.

DARVIN E GRIGG and JANE DOE GRIGG,  
husband and wife, and their marital community  
composed thereof,

Defendants.

No. *06-2-028462*

**STIPULATED  
JUDGMENT**

[Clerk's Action Required]

JUDGMENT SUMMARY

Judgment Creditor:	Atlantic Credit & Finance Inc. Assignee from Household Bank
Attorney for Judgment Creditor:	Krista L. White, Patrick J. Layman BISHOP, WHITE & MARSHALL, P.S.
Judgment Debtors:	DARVIN E GRIGG and his marital community

Principal Amount: \$5,223.80

Interest to Date of Judgment: \$.00

Taxable Costs:

Filing Fee: \$200.00

Service of Process: \$85.00

Reasonable Attorney's Fee: \$200.00

**CERTIFIED COPY**

BISHOP, WHITE & MARSHALL, P.S.  
PO Box 2186  
Seattle, Washington 98111-2186  
720 Olive Way, Suite 1301  
Seattle, Washington 98101  
206/622-5306 Fax: 206/622-0354  
877/259-1016

STIPULATED JUDGMENT

**ORIGINAL****CERTIFIED COPY**
**COPY**





2007-000391

Pg: 3 of 4

01/04/2007 04:05P

BISHOP, WHITE &amp; MARSHALL, P.S. JUDGE

35.00 Banton County

1 TOTAL JUDGMENT \$5,708.80

2 Post Judgment interest accrues at the rate of 12% per annum.

3 WE ARE A DEBT COLLECTOR. THIS COMMUNICATION IS AN  
4 ATTEMPT TO COLLECT A DEBT, AND ANY INFORMATION OBTAINED  
5 WILL BE USED FOR THAT PURPOSE.

6 Plaintiff and Defendant, DARVIN E GRIGG, stipulates and acknowledges  
7 acceptance of service of the Summons and Complaint and stipulates and agrees to  
8 entry of judgment against defendant in this matter. The Court having found that  
9 this is an action on monies due and that the Defendant, DARVIN E GRIGG, is not  
10 an infant nor incompetent person, now therefore, be it

11 ORDERED, ADJUDGED and DECREED that plaintiff have and is hereby  
12 granted judgment against defendant, DARVIN E GRIGG and his marital  
13 community, jointly and severally, in the principle amount of \$5,223.80, plus court  
14 costs and disbursements totalling \$285.00, and reasonable attorneys' fees of  
15 \$200.00, for a total judgment of \$5,708.80. Postjudgment interest shall accrue on  
16 the judgment total at the rate of at 12% per annum.

17 Plaintiff shall take no action to enforce its judgment as long as plaintiff  
18 receives the sum of \$50.00 on or before November 10, 2006, and continuing on the  
19 10th day of each consecutive month thereafter the sum of \$50.00 until  
20

21  
22  
23  
24  
25 CERTIFIED COPY

26 STIPULATED JUDGMENT -2-

BISHOP, WHITE & MARSHALL, P.S.  
PO Box 2186  
Seattle, Washington 98111-2186  
720 Olive Way, Suite 1301  
Seattle, Washington 98101  
206/622-5306 Fax: 206/622-0354  
877/259-1016

CERTIFIED COPY

2007-000391  
Pg: 4 of 4  
81/04/2007 04:05P  
BISHOP, WHITE & MARSHALL JUDGMENT 35.00 Benton County

1 all of the above sums are paid in full.

2 The payments shall be sent to:

3 BISHOP, WHITE & MARSHALL, P.S.  
4 Attn: Accounting  
5 PO Box 2186  
6 Seattle, WA 98111-2186

7 DATED this <sup>30th</sup> day of ~~Feb~~ November 2006.

*[Signature]*  
Judge/Clerk/Commissioner

8 Presented by:

9 BISHOP, WHITE & MARSHALL, P.S.

APPROVED AND AGREED TO:  
NOTICE OF PRESENTATION  
WAIVED

11 *[Signature]*  
12 ☒ Patrick J. Lysyhan WSB# 5707  
13 ☐ Krista L. White WSB# 8612  
14 Attorney's for Plaintiff

*[Signature]*  
DARVIN E GRIGG

16 PSPJ

18 I, JOSIE DELVIN, Benton County Clerk, do hereby certify that the fore-  
19 going copy is a true and correct copy of the original on file in this of-  
20 fice.  
21 WITNESS MY HAND AND SEAL of the said Superior Court affixed  
22 on this 30th day of Nov 2006.

*[Signature]*  
JOSIE DELVIN, Clerk of the Superior Court  
SEAL OF THE SUPERIOR COURT OF THE STATE OF WASHINGTON

25 CERTIFIED COPY

26 STIPULATED JUDGMENT -3-

BISHOP, WHITE & MARSHALL, P.S.  
PO Box 2186  
Seattle, Washington 98111-2186  
720 Olive Way, Suite 1301  
Seattle, Washington 98101  
206/622-5306 Fax: 206/622-0354  
877/259-1016

CERTIFIED COPY

COMPLAINT EXHIBIT 7

13100 5<sup>th</sup> Ave, Suite B  
Pasco, WA 99301  
Tel. (509) 547-2760  
Fax (509) 547-1612  
Toll Free 1-800-310-6076



## Northwest Justice Project

www.nwjustice.org  
César E. Torres  
Executive Director

October 12, 2010

# COPY

Matthew R. Aylesworth, Esq.  
DANIEL P. GORDON, P.C.  
P.O. Box 22338  
Eugene OR 97402

By Mail and Facsimile (541) 343-8059

Re: Atlantic Credit & Finance, Inc. v. Darvin E. Grigg  
Benton Co. Superior Court Case No. 06-2-02846-2

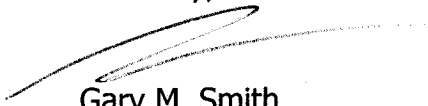
Dear Sir:

Please be advised I represent Mr. Grigg concerning the above-captioned action and the writ of garnishment filed against his HAPO Community Credit Union accounts on or about September 30, 2010.

Mr. Grigg's sole income since 2004 has been his monthly SSD benefits. The entirety of the sums within his HAPO accounts at the time of garnishment consisted of the exempt proceeds of those benefits. Enclosed please find service copies of Mr. Grigg's exemption claim and motion to quash the garnishment, with attachments.

I demand that you contact the garnishee defendant upon your receipt of this letter and immediately release the full amount of these exempt funds.

Sincerely,

  
Gary M. Smith  
Attorney at Law

Encls.

cc: HAPO (509) 946-8787  
601 Williams Blvd.  
Richland WA 99354

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO	1445
RECIPIENT ADDRESS	
DESTINATION ID	
ST. TIME	10/12 10:22
TIME USE	02'46
PAGES SENT	15
RESULT	OK

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO	1446
RECIPIENT ADDRESS	
DESTINATION ID	
ST. TIME	10/12 10:26
TIME USE	02'18
PAGES SENT	15
RESULT	OK

FILED  
BENTON COUNTY CLERK  
2010 OCT 12 1A 10:32  
JOSIE DELVIN

IN THE SUPERIOR COURT OF WASHINGTON  
BENTON COUNTY

Atlantic Credit and Finance, Inc.

Plaintiff,

NO. 06-2-02846-2

vs.

EXEMPTION CLAIM

Darvin E. Grigg

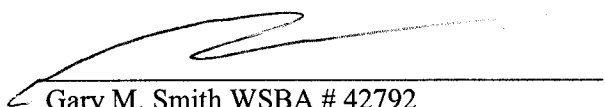
Defendant(s),

HAPO Comm. Credit Union

Garnishee.

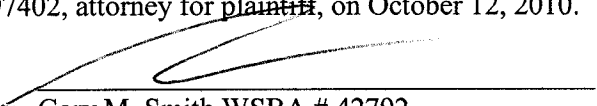
Darvin E. Grigg claims that he has had no income or earnings since 2004 save for benefits paid under the Social Security Disability program; that his benefit most recently has been \$1218.00 per month; and that all funds in his HAPO account at the time of the plaintiff's writ of garnishment were the proceeds of his exempt SSD payments. No money other than the proceeds of Mr. Grigg's Social Security benefits were in the HAPO account at the time the writ was served or answered. Consequently, all the garnished funds are exempt.

09/12/2010  
Date

  
Gary M. Smith WSBA # 42792  
NORTHWEST JUSTICE PROJECT  
1310 N. 5<sup>th</sup> Ave.  
Pasco WA 99301  
Tele: (509) 547-2760  
Fax: (509) 547-1612  
Attorney for Darvin E. Grigg

PROOF OF SERVICE

I certify that a copy of this exemption claim was served by first class mail, postage prepaid, on Matthew R. Aylworth, P.O. Box 22338, Eugene OR 97402, attorney for plaintiff, on October 12, 2010.



---

Gary M. Smith WSBA # 42792  
Attorney for Darvin E. Grigg



COMPLAINT EXHIBIT 8

**JOSIE DELVIN**  
BENTON COUNTY CLERK

OCT 13 2010

**FILED**

**COPY**

**IN THE SUPERIOR COURT OF WASHINGTON  
BENTON COUNTY**

Atlantic Credit and Finance, Inc.

Plaintiff,

NO. 06-2-02846-2

vs.

Darvin E. Grigg

Defendant(s),


**DEFENDANT'S MOTION TO  
QUASH GARNISHMENT**

HAPO Comm. Credit Union

Garnishee.

Defendant Darvin E. Grigg moves to quash the garnishment of his HAPO accounts for the reason all funds held for him by HAPO at the time of the plaintiff's writ of garnishment consisted of benefits paid him the Social Security Disability program, which are exempt from execution, attachment, or garnishment by law.

  
Date

  
Gary M. Smith WSBA # 42792  
NORTHWEST JUSTICE PROJECT  
1310 N. 5<sup>th</sup> Ave.  
Pasco WA 99301  
Tele: (509) 547-2760  
Fax: (509) 547-1612  
Attorney for Darvin E. Grigg

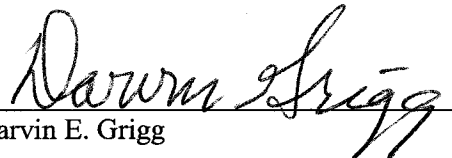
*Motion to Quash*

NORTHWEST JUSTICE PROJECT  
1310 N. 5<sup>th</sup> Ave.  
Pasco WA 99301  
Tele: (509) 547-2760  
Fax: (509) 547-1612

DECLARATION IN SUPPORT OF MOTION

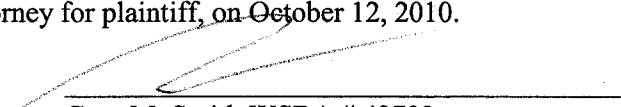
I, Darvin E. Grigg, swear under penalty of perjury under the laws of Washington State that the entirety of the money held for me by HAPO at the time my accounts were garnished were proceeds from my monthly Social Security Disability benefits, as documented by my most recent SSA award letter and HAPO's records for those accounts, attached. Social Security Disability has been my only source of income since 2004.

10-12-10  
Date

  
Darvin E. Grigg

PROOF OF SERVICE

I certify that a copy of this motion was served by first class mail, postage prepaid, on Matthew R. Aylworth, P.O. Box 22338, Eugene OR 97402, attorney for plaintiff, on October 12, 2010.

  
Gary M. Smith WSBA # 42792  
Attorney for Darvin E. Grigg

*Motion to Quash*

NORTHWEST JUSTICE PROJECT  
1310 N. 5<sup>th</sup> Ave.  
Pasco WA 99301  
Tele: (509) 547-2760  
Fax: (509) 547-1612

**Social Security Administration**  
**Retirement, Survivors and Disability Insurance**  
Important Information

Western Program Service Center  
P.O. Box 2000  
Richmond, California 94802-1791  
Date: September 16, 2010  
Claim Number: ██████████24HA



000064336 01 AB 0.360 T248 T2R M04,0909,PC5,N,RI,  
DARVIN E GRIGG  
APT P248  
531 S 38TH AVE  
W RICHLAND WA 99353-5172



Based on the information we have you are due a refund for Medicare prescription drug plan costs.

**What We Will Pay And When**

- You will receive \$40.10 around September 24, 2010.
- This is the money you are due through August 2010.

This payment includes a refund of your Medicare prescription drug plan costs.

- You will receive \$1,218.00 for September 2010 around October 1, 2010.
- After that you will receive \$1,218.00 on or about the third of each month.

**If You Have Any Questions**

We invite you to visit our website at [www.socialsecurity.gov](http://www.socialsecurity.gov) on the Internet to find general information about Social Security. If you have any specific questions, you may call us toll-free at 1-800-772-1213, or call your local Social Security office at 1-509-783-8777. We can answer most questions over the phone. If you are deaf or hard of hearing, you may call our TTY number, 1-800-325-0778. You can also write or visit any Social Security office. The office that serves your area is located at:

SOCIAL SECURITY  
SUITE A  
8131 W KLAMATH CT  
KENNEWICK, WA 99336





COMMUNITY CREDIT UNION

601 Williams Blvd., Richland, WA 99354  
509.943.5676 • www.hapo.org

Phone Inquiries To 509-943-5676

DARVIN E GRIGG  
PO BOX 4252  
WEST RICHLAND, WA 99353

Statement Period

January 28 - January 31, 2010

Member #

Introducing  
*personalized*  
**VISA credit cards!**

From your camera to your wallet!

**HAPO**  
COMMUNITY CREDIT UNION

Visit [www.hapo.org](http://www.hapo.org) to upload your favorite photo to your HAPO VISA credit card.

## Statement Summary

DEPOSIT ACCOUNTS		TOTAL BALANCE:			\$5.00
Account Type	Previous Balance	Deposits	Withdrawals	Ending Balance	
Savings (Suffix #0)	0.00	5.00	0.00	5.00	
CHECKING ACCOUNTS		TOTAL BALANCE:			\$20.00
Account Type	Previous Balance	Deposits	Withdrawals	Ending Balance	
Classic Checking (Suffix #9)	0.00	20.00	0.00	20.00	

## Savings (Suffix #0)

Tran Date	Post Date	Description	PREVIOUS BALANCE:	\$0.00
			Withdrawals	Deposits
	01-28	Deposit		5.00
				5.00
			ENDING BALANCE:	\$5.00
Dividends Paid In 2010				0.00

## Classic Checking (Suffix #9)

Tran Date	Post Date	Description	PREVIOUS BALANCE:	\$0.00
			Withdrawals	Deposits
	01-28	Deposit-CASH		20.00
				20.00
			ENDING BALANCE:	\$20.00
Checks Cleared				0
Total Number of Credits				1
Total Number of Debits				0
Dividends Paid In 2010				0.00

## YTD Tax Summary

Total Non-IRA Dividends	0.00
Total Non-IRA Dividends Last Year	0.00
Total 1099 OID Dividends	0.00





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DARVIN E GRIGG  
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Statement Period

February 01 - February 28, 2010

Member #

Check our Website  
for great specials  
on our Home Equity  
and VISA options!



www.hapo.org

**IMPORTANT NOTICE** - Effective February 26, 2010, the Federal Reserve will route all paper check processing through one location. As a result, the longest standard delay under Regulation CC is the 2-day availability period that is currently allowed for local checks. This change eliminates the non-local check hold. Exception holds still apply. Funds Availability Policy is available upon request.

### Statement Summary

DEPOSIT ACCOUNTS					TOTAL BALANCE:	\$5.00
Account Type	Previous Balance	Deposits	Withdrawals	Ending Balance		
Savings (Suffix #0)	5.00	0.00	0.00	5.00		
CHECKING ACCOUNTS					TOTAL BALANCE:	\$0.10
Account Type	Previous Balance	Deposits	Withdrawals	Ending Balance		
Classic Checking (Suffix #9)	20.00	1,987.20	2,007.10	0.10		

### Savings (Suffix #0)

PREVIOUS BALANCE: \$5.00

ENDING BALANCE: \$5.00

Dividends Paid in 2010

0.00

### Classic Checking (Suffix #9)

					PREVIOUS BALANCE:	\$20.00
Tran Date	Post Date	Description	Withdrawals	Deposits		
	02-03	Withdrawal - HARLAND CLARKE (CHK ORDERS)	-17.60			
	02-04	Deposit - US TREASURY 312 (SOC SEC)		1,287.20		
	02-04	Withdrawal-CASH	-1,000.00			
	02-04	Deposit-CASH		700.00		
	02-04	Withdrawal-SHCK	-700.00			
	02-08	Withdrawal - HAPO COMMUNITY 601 WILLIAMS BLVD RICHLAND WA US	-260.00			
	02-12	Withdrawal - LEE'S MARK 5730 VAN GIESEN WEST RICHLAND WA US	-21.50			
02-13	02-15	Withdrawal - LEE'S MARKET WEST RICHLAND WA US	-6.81			
02-15	02-16	Withdrawal - EXXONMOBIL 46925 RICHLAND WA US	-1.19			
					ENDING BALANCE:	\$0.10
					Checks Cleared	0
					Total Number of Credits	2
					Total Number of Debits	7
					Dividends Paid in 2010	0.00

### YTD Tax Summary

Total Non-IRA Dividends 0.00





COMMUNITY CREDIT UNION

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DARVIN E GRIGG  
PO BOX 4252  
WEST RICHLAND, WA 99353

Statement Period

March 01 - March 31, 2010

Member #

**LOWER YOUR RATE**  
with a **VISA Balance Transfer**  
Transfer from another credit card today!

**NO FEE LOW RATE TRANSFERS**

Visit [www.hapo.org](http://www.hapo.org) to get started!

## Statement Summary

DEPOSIT ACCOUNTS		TOTAL BALANCE:			\$5.00
Account Type	Previous Balance	Deposits	Withdrawals	Ending Balance	
Savings (Suffix #0)	5.00	0.00	0.00	5.00	
CHECKING ACCOUNTS		TOTAL BALANCE:			\$0.59
Account Type	Previous Balance	Deposits	Withdrawals	Ending Balance	
Classic Checking (Suffix #9)	0.10	1,218.00	1,217.51	0.59	

**VISA Network and Non-VISA Network Transactions.** Some merchants may permit you to initiate debit and bill payment transactions with your Card using either a VISA network or a non-VISA network. Merchants supporting these multiple options must provide you with a clear opportunity to choose the VISA network to process your transactions. The distinction between knowing you are using a VISA network or a non-VISA network is important because VISA transactions typically include consumer benefits that may not be provided for non-VISA network transactions. For example, cardholders may receive certain protections (e.g. zero liability, or streamlined dispute resolutions) or rewards when using the VISA network.

## Savings (Suffix #0)

PREVIOUS BALANCE:	\$5.00
ENDING BALANCE:	\$5.00
Dividends Paid in 2010	0.00

## Classic Checking (Suffix #9)

		PREVIOUS BALANCE:			\$0.10
Tran Date	Post Date	Description	Withdrawals	Deposits	
03-01		Deposit - US TREASURY 312 (SOC SEC)		1,218.00	
03-03		Withdrawal - SUN MART #15 3957 VAN GEISEN W RICHLAND WA US	-121.50		
03-03		Withdrawal-SHCK	-1,000.00		
03-03		Withdrawal-CASH	96.01		
ENDING BALANCE:					\$0.59
Checks Cleared					0
Total Number of Credits					1
Total Number of Debits					3
Dividends Paid in 2010					0.00

## YTD Tax Summary

Total Non-IRA Dividends	0.00
-------------------------	------



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DARVIN E GRIGG  
PO BOX 4252  
WEST RICHLAND, WA 99353

Statement Period

April 01 - April 30, 2010

Member #

## REGULATORY CHANGES COMING SOON

Important regulatory changes that will affect your checking overdraft options will take effect in the next few months. We will contact you with more details.

Visit [www.hapo.org](http://www.hapo.org) for more information

### Statement Summary

DEPOSIT ACCOUNTS		TOTAL BALANCE			\$5.00
Account Type	Previous Balance	Deposits	Withdrawals	Ending Balance	
Savings (Suffix #0)	5.00	0.00	0.00	5.00	
CHECKING ACCOUNTS		TOTAL BALANCE			\$1,377.59
Account Type	Previous Balance	Deposits	Withdrawals	Ending Balance	
Classic Checking (Suffix #9)	0.59	2,436.00	1,059.00	1,377.59	

### Savings (Suffix #0)

PREVIOUS BALANCE: \$5.00

ENDING BALANCE: \$5.00

Dividends Paid In 2010 0.00

### Classic Checking (Suffix #9)

		PREVIOUS BALANCE:			\$0.59
Tran Date	Post Date	Description	Withdrawals	Deposits	
	04-01	Deposit - US TREASURY 312 (SOC SEC)		1,218.00	
	04-02	Withdrawal - SUN MART #15 3957 VAN GEISEN W RICHLAND WA US	101.50		
	04-02	Withdrawal - KEYBANK NA 23 W KENNEWICK AVE KENNEWICK WA US	203.00		
	04-02	Withdrawal - YAKIMA FEDERAL S 3350 CLEARWATER KENNEWICK WA US	102.00		
	04-03	Withdrawal - 4033 W VAN GIESEN WEST RICHLAND WA US	102.50		
	04-29	Deposit - US TREASURY 312 (SOC SEC)		1,218.00	

Check #	Date	Amount	Check #	Date	Amount	Check #	Date	Amount
2001	04-09	550.00						

\* Indicates a break in check number sequence

ENDING BALANCE: \$1,377.59

Checks Cleared	1
Total Number of Credits	2
Total Number of Debits	5
Dividends Paid In 2010	0.00

### YTD Tax Summary

Total Non-IRA Dividends 0.00





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DARVIN E GRIGG  
PO BOX 4252  
WEST RICHLAND, WA 99353

Statement Period

May 01 - May 31, 2010

Member #

We want to *know*  
what you *think!*



Take our  
**member survey**  
at [www.hapo.org](http://www.hapo.org)  
starting June 14

## Statement Summary

DEPOSIT ACCOUNTS		TOTAL BALANCE		
Account Type	Previous Balance	Deposits	Withdrawals	Ending Balance
Savings (Suffix #0)	5.00	0.00	0.00	5.00
CHECKING ACCOUNTS		TOTAL BALANCE		
Account Type	Previous Balance	Deposits	Withdrawals	Ending Balance
Classic Checking (Suffix #9)	1,377.59	0.00	0.00	1,377.59

## Savings (Suffix #0)

PREVIOUS BALANCE: \$5.00

ENDING BALANCE: \$5.00

Dividends Paid In 2010 0.00

## Classic Checking (Suffix #9)

PREVIOUS BALANCE: \$1,377.59

ENDING BALANCE: \$1,377.59

Dividends Paid In 2010 0.00

## YTD Tax Summary

Total Non-IRA Dividends 0.00

85



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DARVIN E GRIGG  
PO BOX 4252  
WEST RICHLAND, WA 99353

Statement Period

June 01 - June 30, 2010

Member #

**LOWER YOUR RATE**  
with a **VISA Balance Transfer**  
Transfer from another credit card today!

**NO FEE LOW RATE TRANSFERS**

Visit [www.hapo.org](http://www.hapo.org) to get started!

## Statement Summary

DEPOSIT ACCOUNTS		TOTAL BALANCE			
Account Type	Previous Balance	Deposits	Withdrawals	Ending Balance	
Savings (Suffix #0)	5.00	0.00	0.00	5.00	\$5.00
CHECKING ACCOUNTS		TOTAL BALANCE			
Account Type	Previous Balance	Deposits	Withdrawals	Ending Balance	
Classic Checking (Suffix #9)	1,377.59	0.00	0.00	1,377.59	\$1,377.59

Effective July 1 2010 all Regular, Classic and Teching accounts will be considered Free Checking as those programs are being discontinued. Free Checking includes: free checks, free eTeller, free Bill Payer, free eStatements and free VISA Debit Card. There is no minimum balance and no monthly fee. Visit [www.hapo.org](http://www.hapo.org) for details. — Unlawful Internet Gambling Notice: Effective June 1, 2010 restricted transactions as defined in Federal Reserve Regulation GG are prohibited from being processed through any account at the Credit Union. Participation in any restricted transactions may lead to closure of your account. If you have any questions regarding this matter, please contact HAPO's Compliance Department.

## Savings (Suffix #0)

PREVIOUS BALANCE: \$5.00  
ENDING BALANCE: \$5.00

Dividends Paid In 2010 0.00

## Classic Checking (Suffix #9)

PREVIOUS BALANCE: \$1,377.59  
ENDING BALANCE: \$1,377.59

Dividends Paid In 2010 0.00

## YTD Tax Summary

Total Non-IRA Dividends 0.00



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Phone Inquiries To 509-943-5676

DARVIN E GRIGG  
PO BOX 4252  
WEST RICHLAND, WA 99353

Statement Period

July 01 - July 31, 2010

Member #

## REGULATORY CHANGES DEADLINE APPROACHING!

Important regulatory changes that will affect your checking overdraft options will take effect **AUGUST 15**. Please contact us for details.

Visit [www.hapo.org](http://www.hapo.org) for more information

### Statement Summary

DEPOSIT ACCOUNTS		TOTAL BALANCE:			\$5.00
Account Type	Previous Balance	Deposits	Withdrawals	Ending Balance	
Savings (Suffix #0)	5.00	0.00	0.00	5.00	
CHECKING ACCOUNTS		TOTAL BALANCE:			\$677.59
Account Type	Previous Balance	Deposits	Withdrawals	Ending Balance	
Checking (Suffix #9)	1,377.59	0.00	800.00	577.59	

### Savings (Suffix #0)

PREVIOUS BALANCE: \$5.00

ENDING BALANCE: \$5.00

Dividends Paid In 2010 0.00

### Checking (Suffix #9)

			PREVIOUS BALANCE:	\$1,377.59
Tran Date	Post Date	Description	Withdrawals	Deposits
	07-22	Withdrawal-CASH	-300.00	
	07-29	Withdrawal-CASH	-500.00	
			ENDING BALANCE:	\$577.59
Checks Cleared				0
Total Number of Credits				0
Total Number of Debits				2
Dividends Paid In 2010				0.00

### YTD Tax Summary

Total Non-IRA Dividends 0.00





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Phone Inquiries To 509-943-5676

DARVIN E GRIGG  
GENERAL DELIVERY  
PASCO, WA 99301

Statement Period

August 01 - August 31, 2010

Member #

## Home Equity Loans

They're **NOT** just for remodeling anymore.

Ask a Loan Specialist for details or  
apply online at [www.hapo.org](http://www.hapo.org)!



### Statement Summary

DEPOSIT ACCOUNTS		TOTAL BALANCE:			\$5.00
Account Type	Previous Balance	Deposits	Withdrawals	Ending Balance	
Savings (Suffix #0)	5.00	0.00	0.00	5.00	
CHECKING ACCOUNTS		TOTAL BALANCE:			\$2,913.21
Account Type	Previous Balance	Deposits	Withdrawals	Ending Balance	
Checking (Suffix #9)	577.59	3,654.00	1,318.38	2,913.21	

### Savings (Suffix #0)

PREVIOUS BALANCE: \$5.00

ENDING BALANCE: \$5.00

Dividends Paid In 2010

0.00

### Checking (Suffix #9)

			PREVIOUS BALANCE:		\$577.59			
Tran Date	Post Date	Description	Withdrawals	Deposits				
	08-10	Withdrawal-CASH	-100.00					
	08-12	Withdrawal - HAPO COMMUNITY 2701 N. 20TH AVE PASCO WA US	-80.00					
	08-17	Withdrawal - RITE AID CORP. 215 NORTH 4TH AVENU PASCO WA US	-21.64					
	08-18	Deposit - US TREASURY 312 (SOC SEC)		3,654.00				
	08-18	Withdrawal - GRIGG ACE HARDWA 801 W COLUMBIA ST PASCO WA US	-50.38					
	08-19	Withdrawal - GRIGG ACE HARDWA 801 W COLUMBIA ST PASCO WA US	-11.89					
	08-21	Withdrawal - CARNICERIA LA BA 214 N 4TH AVE PASCO WA US	-122.25					
	08-23	Withdrawal - RITE AID CORP. 215 NORTH 4TH AVENU PASCO WA US	-29.73					
	08-24	Withdrawal - SUPERMEX #1 420 WEST LEWIS ST PASCO WA US	-202.00					
	08-28	Withdrawal - Cardtronics CCSM 115 SOUTH 10TH AVE PASCO WA US	-101.75					
	08-29	Withdrawal - GEICO ONE GEICO PLAZA FREDERICKSBUR VA US	-62.22					
	08-30	Withdrawal - WALMART 4820 NORTH ROAD 68 PASCO WA US	-201.50					
Check #	Date	Amount	Check #	Date	Amount	Check #	Date	Amount
2003	08-31	50.72	2005	08-27	59.49	2007	08-25	161.00
2004	08-27	9.67	2006	08-30	54.14			

\* Indicates a break in check number sequence



COMPLAINT EXHIBIT 9

FILED

BENTON COUNTY CLERK  
JOSIE DELVIN  
BENTON COUNTY CLERK  
KENNEWICK WA

06-2-02846-2

Time  
10:52 AM

Acct. Date  
10/18/2010

Receipt/Item #  
2010-01-11866/01

Tran-Code  
1597

Docket-Code

Cashier: EMG

Paid By: daniel gordon, atty

Transaction Amount:  
\$30.00

JOSIE DELVIN  
BENTON COUNTY CLERK

OCT 20 2010

FILED

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR BENTON COUNTYATLANTIC CREDIT & FINANCE INC,  
Assignee from Household Bank,

Plaintiff,

vs.

DARVIN E GRIGG,

Defendant,

vs.

HAPO COMMUNITY CREDIT UNION,  
Garnishee Defendant.

Case No. 06-2-02846-2

JUDGMENT ON ANSWER AND  
ORDER TO PAYJUDGMENT DOCKET  
NO 06-2-02846-2

## JUDGMENT SUMMARY

Judgment Creditor:	ATLANTIC CREDIT & FINANCE INC.
Garnishment Judgment Debtor (Garnishee):	HAPO COMMUNITY CU
Cost Judgment Debtor (Defendant):	DARVIN E GRIGG
Garnishment Judgment Amount:	\$1226.60
Interest from November 30, 2006 to July 30, 2010	\$2511.36
Bank Search Fee	\$20.00
Costs Judgment Amount (Certified Mail)	\$10.20
Costs Judgment Amount (Filing Fees)	\$20.00
Judgment to bear interest at:	12%
Attorney for Judgment Creditor	Matthew R. Aylworth

Page 1 -- Judgment on Answer and Order to Pay  
Case No. 06-2-02846-2

DANIEL N. GORDON, P.C.  
Attorneys and Counselors at Law  
4023 W 1<sup>st</sup> Ave / P.O. Box 22338  
Eugene, OR 97402  
Phone: (541) 342-2276 Fax: (541) 343-8059

CERTIFIED COPY

ORIGINAL

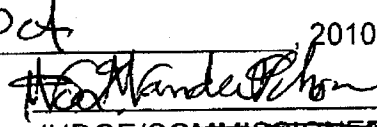
1 **BASIS**

2 IT APPEARING THAT garnishee has withheld non exempt funds due to Defendant  
3 in the nonexempt amount of \$1226.60; that at the time of the Writ of Garnishment was  
4 issued Defendant was employed by or maintained a financial institution account with the  
5 garnishee, or garnishee had in its possession or control funds, personal property of  
6 effects of Defendant. Now, therefore, it is hereby

7 **ORDER**

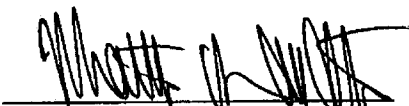
8 ORDERED, ADJUDGED, AND DECREED that Plaintiff is awarded judgment  
9 against garnishee in the amount of \$1226.60 that Plaintiff is awarded judgment against  
10 Defendant in the amount of \$50.20 for recoverable costs; that if this is a Superior Court  
11 Order, garnishee shall pay its judgment amount to [ ] Plaintiff [X] Plaintiff's attorney  
12 through the registry of the Court, and the clerk of the Court shall note receipt thereof and  
13 forthwith disburse such payment to [ ] Plaintiff [X] Plaintiff's attorney; that if this is a  
14 District Court Order, garnishee shall pay its judgment amount to [ ] Plaintiff [X] Plaintiff's  
15 attorney, and if any payment is received by the clerk of the Court, the clerk shall forthwith  
16 disburse such payment to [ ] Plaintiff [X] Plaintiff's attorney. Garnishee is advised that  
17 the failure to pay its judgment amount may result in execution of the judgment, including  
18 garnishment.

19 DONE IN ~~OPEN COURT~~ this 20 day of Oct, 2010

20   
21 JUDGE/COMMISSIONER

22 Court address:  
23 7122 W. Okanogan Pl. Bldg. A  
24 Kennewick WA 99336-2341

25 Presented by:  
26 DANIEL N. GORDON, P.C.

27   
28 Matthew R. Aylworth, WSB #37892  
of Attorneys for Plaintiff